

**To:** David A. Cook [Personal Email/Ex. 6]  
**Cc:** Way, Steven[way.steven@epa.gov]; Guy, Kerry[Guy.Kerry@epa.gov]; Rudy, Michael[Rudy.Mike@epa.gov]  
**From:** Sisk, Richard  
**Sent:** Thur 10/22/2015 11:20:18 PM  
**Subject:** RE: SMPA EASEMENTS

Dave – I am out of the office tomorrow but I will be checking voicemail and email.

Thanks

Richard Sisk  
Attorney  
U.S. EPA Region 8  
ENF-L  
1595 Wynkoop  
Denver, CO 80202-1129

Phone: 303-312-6638  
Fax: 303-312-6409  
E-mail: sisk.richard@epa.gov

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**From:** David A. Cook [Personal Email/Ex. 6]  
**Sent:** Thursday, October 22, 2015 3:34 PM  
**To:** Sisk, Richard  
**Subject:** RE: SMPA EASEMENTS

I will get back to you tomorrow am.

David A. Cook  
David A. Cook, P.C.  
6 S Tejon St Ste 400  
Colorado Springs, CO 80903

(719) 634-6736

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**From:** Sisk, Richard [<mailto:Sisk.Richard@epa.gov>]  
**Sent:** Thursday, October 22, 2015 12:50 PM  
**To:** David A. Cook ([**Personal Email/Ex. 6**])  
**Cc:** Way, Steven; Rudy, Michael  
**Subject:** FW: SMPA EASEMENTS

Dave – EPA heard back from San Miguel Power (SMPA). They are unwilling to accept the easement as edited by Mr. Hennis, see comments below. SMPA has sent a redraft, see above, that they would be willing to accept. Please let us know if your client is willing to sign this redrafted easement.

In regards to the warranty of title issue, is there some way that EPA could help with this issue using some of the title documents pulled for EPA's PRP search report?

The concerns number 2 & 3 below arose from the adjoining properties draft easement.

I realize this is awkward trying to negotiate an easement this way. Please let me know how EPA can assist.

Richard Sisk  
Attorney

U.S. EPA Region 8  
ENF-L  
1595 Wynkoop  
Denver, CO 80202-1129

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Begin forwarded message:

**From:** "Matt Francis" <[m.francis@erllc.com](mailto:m.francis@erllc.com)>  
**To:** "Way, Steven" <[way.steven@epa.gov](mailto:way.steven@epa.gov)>, "Guy, Kerry" <[Guy.Kerry@epa.gov](mailto:Guy.Kerry@epa.gov)>  
**Subject:** Fwd: SMPA EASEMENTS

Sent via the Samsung Galaxy Note® 3, an AT&T 4G LTE smartphone

----- Original message -----

From: Jeremy Fox <[jeremy@smpa.com](mailto:jeremy@smpa.com)>  
Date: 10/21/2015 9:56 AM (GMT-06:00)  
To: Matt Francis <[m.francis@erllc.com](mailto:m.francis@erllc.com)>  
Cc: Duane DeVeney <[Duane@smpa.com](mailto:Duane@smpa.com)>  
Subject: SMPA EASEMENTS

Mr. Francis,

Duane forwarded the easement documents that you sent to him regarding a project for the Gold King Mine and a proposed primary power extension. While we are amenable to small wording changes if approved, SMPA cannot agree to the proposed changes to our standard underground easement. I have several concerns addressed below...

1 SMPA requires that the Grantor(s) warrant title to the easement area. Depending on the nature of the prior encumbrances, this warranty may be subject to those matters.

2. There is no Grantor listed for the LCM Mill Site on the second attachment.
3. SMPA will not agree to the addendum wording. You will be responsible for contacting SMPA upon any type of termination requests of an existing easement. Relinquishment of an existing easement must be board approved.

I have consulted with our legal counsel and attached new drafts that SMPA is willing to accept. Please have these attachments signed and notarized. SMPA will file the attached exhibit with both easements. I understand the project is under stress to move forward and hope this is not a major set-back, however we must have the proper easements in place before installing SMPA facilities.

Thank You,

Jeremy Fox  
Service Planning Supervisor

[SMPA Logo 4Color Sml]

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\*\*\*\*\* ATTACHMENT REMOVED \*\*\*\*\*

This message contained an attachment which the administrator has caused to be removed.

\*\*\*\*\* ATTACHMENT REMOVED \*\*\*\*\*

\*\*\*\*\*

Attachment name: [image001.jpg]  
Attachment type: [image/jpeg]